THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 23200 of 2006.

DATED: 8-11-2006

Between:

B.Surya Kiran

…Petitioner

and

Station House Officer,
Banjara Hills Police Station,
Banjara Hills, Hyderabad and another

…Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 23200 of 2006.

Oral order:

The writ petition is misconceived.

Quashing of Crime No.846 of 2006 on the file of the 1st respondent herein is the relief sought. On 31-10-2006 the 2nd respondent complained to the 1st respondent setting out allegations of commission of a cognizable offence, to wit an offence under Section 420 of the IPC, against the petitioner. This complaint was registered by the 1st respondent as Crime No. 846 of 2006. Earlier, on the complaint of one Kothapally Saidaiah Crime No. 764 of 2006 was also registered by the 1st respondent also alleging offences under Section 420 of the IPC, against the petitioner and others.

No doubt and *prima facie*, the gravamen of the complaint of the 2nd respondent as well as of Kothapally Saidaiah are similar in the sense that both complainants had alleged collection of amounts by the petitioner offering to provide employment and thereafter evading on the promise. The transaction complained of by Kothapally Saidaiah on the one hand and by the 2nd respondent on the other are however distinct and therefore the 1st respondent registered Crime no. 764 of 2006 in respect of the complaint of Kothapally Saidaiah and Crime No. 846 of 2006 on the complaint of the 2nd respondent herein.

The petitioner contends that as the conduct of the petitioner complained of is similar, the complaint of (in both cases) the 2nd respondent should have been taken as a material or information collected during the course of investigation of Crime no. 764 of 2006

and ought to have been treated as a subsequent complaint in respect of the same transaction and therefore, ought not to have been registered as an independent crime. This contention is stated to be rejected. The complaint of Kothapally Saidaiah resulting in registration of Crime No. 764 of 2006 and the complaint of the 2nd respondent leading to the registration of Crime No. 846 of 2006 (impugned herein) are with regard to independent and distinct transactions having no nexus at any point of time or respecting the victims of the alleged offence. No legal principle or authority has been pointed out which invalidates the executive conduct of the 1st respondent in registering the second respondent's complaint independently as Crime No. 846 of 2006. The 1st respondent is obligated in law, in particular under Section 154 of the Criminal Procedure Code, 1973 to register the complaint of the 2nd respondent as it sets out information as to the commission of a cognizable offence. The complaint of the 2nd respondent does not even remotely amount to a statement recorded from a witness during the course of investigation into Sri Saidaiah's complaint, registered as Crime No. 764 of 2006.

For the aforesaid reasons, there are no merits in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

GODA RAGHURAM, J

8th November, 2006.
GRR